

**District V Advisory Board
Minutes
www.wichita.gov**

**March 3, 2003
7:00 p.m.**

**Auburn Hills Golf Course Clubhouse
443 S. 135th West**

The District V Advisory Board meeting began at 7:10 p.m. at the Auburn Hills Golf Course Clubhouse at 443 S. 135th Street West. In attendance were eight (8) District Advisory Board Members including seven (7) regular members and one (1) youth member. In addition, one Northwest High School student attended to represent an appointed youth member who was absent. Six (6) City Staff were present and approximately 30 members of the public of which twenty-four (24) signed the signup sheet.

Members Present

David Almes
David Dennis
Maurice Ediger
Fran Hoggatt
Andy Johnson
Teresa Schmidt
Laura Scrafford
Bob Sorensen
Vice Mayor Bob Martz

Staff Present

Don Harrison, Finance
Officer Lee Eisenbise, Police
Officer Mark Young, Police
Dale Miller, Planning
Mark Stanberry, Housing
Dana Brown, City Manager's Office

Members Absent

Bob Bulman
Sean Cash
Amy Doan
Amy Garcia
Brendan Groves

Guests

Listed on last page

ORDER OF BUSINESS

Call to Order

The meeting was called to order at 7:15. **Vice Mayor Bob Martz** explained the purpose of the District Advisory Board as advisory to him as the elected representative for City Council District V. He also said that the voting was limited to the Board Members only, even in tie votes, and that his opportunity to vote on issues would be restricted to the City Council Meetings. He acknowledged that many issues come before the Board that are emotional to members of the public and he asked that appropriate behavior be maintained at the meeting, giving each individual who wishes to speak the opportunity to be heard. He asked guests to speak only when acknowledged, speak once regarding an issue, and to state their name and address before speaking. Vice Mayor Martz then acknowledged youth members and recognized Jonathan Brooks who was attending as a guest/representative of Northwest High School in place of youth member Amy Doan.

Approval of Minutes and Agenda

The minutes for February 3, 2003 were approved as written, 7-0. The agenda for the meeting was approved.

Public Agenda

No items were scheduled and citizens presented no off-agenda items in attendance.

Planning Agenda

Zoning Request – ZON2002 - 00074

Dale Miller, Planning Department, presented a request to change current zoning of “LI” Limited Industrial, to “SF-5” Single Family Residential and “NO” Neighborhood Office at the location of south of 29th Street North and east of Ridge Road. Miller provided details about the zone change request on an unplatted tract of approximately 5½-acres as a portion of the Barefoot Bay Homeowners Association. He summarized the surrounding area as mixed use with industrial uses to the west and south and residential uses to the east and north. Although the request is the same as one previously denied by City Council in November 2001, Miller stated that it was important for the DAB to consider the request as a new case. He also reported that the request is scheduled for hearing by the Metropolitan Area Planning Commission (MAPC) on March 6th. Miller said the Planning staff recommended approval with a Protective Overlay District in consideration of access to public services, conformance to the Land Use Guide, and other conditions identified in the staff report.

Bob Kaplan, agent for the applicant, Mike Shell, reported that his action for a court reporter services at the meeting were to provide him more detailed information than the information captured and reported in the meeting minutes. He reviewed *Policy Ten*, known as the “Golden Rules” for consideration of land use requests. He focused on what he considered a positive in the request to change the “LI” to “SF-5” because it would remove the risk of undesirable land use in the area. Kaplan also said the change would provide the landowner the entitlement due for an economically advantageous use of the property as the highest and best use. He agreed that the neighbors had the right to be heard but urged the Board to consider their points as only one factor listed in the “Golden Rules,” as this was a land-use issue, not a neighborhood issue.

Tom Docking, attorney for Barefoot Bay Homeowners Association, stated he had worked with the Homeowners Association (HOA) for approximately two years in response to the first application filed in January 2001. He explained that his role at the meeting was to introduce the HOA members as a body and to answer questions, if needed. He did note that the request is a re-filing for the same zone change previously requested by the property owner and eventually denied by City Council on November 6, 2001. The property owner appealed the Council decision in District Court where it was upheld. He then filed another appeal to the Court of Appeals where it is now pending. Docking explained that certain conditions including lake use and number of lots were established for the property owners by the previous developer/owner of the unplatted tract. He said the change being requested would negate these conditions, as the homeowners would soon explain.

Docking also stated that the re-filing provisions of the zoning code allow for a new zone change request to be filed one year or more after the original request is denied. He noted that even though the request is treated as a new zone change request as Miller had previously stated, that nothing had changed in the request that was previously denied.

Several Members of the Barefoot Bay Homeowner Association spoke on behalf of the association including **Shelly Moore, Carolyn Bedford, Gary Cook, Greg Bowman, Dave Gordon, Angie Bowman, and one other resident not clearly identified**. They noted the following issues:

- The number of boats on the lake is a safety concern. Holidays have especially become high-risk. The HOA members provide their own water safety oversight for the lake including patrolling.
-

- Each property owner whose land adjoins the lakeshore is allowed to have 1 dock, 2 slips, and 3 boats. Eight additional lots would add a possible total of 24 additional boats. As a result, the HOA would be forced to limit the use of the lake by the homeowners to ensure safety.
- No opposition exists for the current LI zoning; properties were purchased with full knowledge of that zoning.
- Golden Rules are subject to interpretation according to potential gain or loss.
- HOA covenants state that no businesses are allowed in the Homeowner Association area.
- HOA covenants state that no more than 51 lots are allowed access to the lake.

DAB Members commented and asked questions regarding HOA covenants being enforceable; the size of the lots currently planned by the applicant for the unplatted tract; whether concerns exist with HOA for the property remaining vacant and undeveloped; and, could action be deferred to allow the HOA and the applicant to work out an agreement.

Vice Mayor Martz then said that the HOA preferred to have the request continue through the planning process as any change would require a vote by the HOA with a certain majority percentage to support. Vice Mayor Martz then read a letter from the City Law Department to the Metropolitan Area Planning Department stating the District Court's decision to uphold the previous City Council action.

Due to the current covenants identified that would not allow more than 51 lots or the home office, most members of the District V Advisory Board did not support approval of the request. **Johnson (Ediger)** moved that the request be denied.

Action: The District Advisory Board voted unanimously (7:0) to recommend denial of the request.

It was also recommended by DAB V that the Council Member and the Neighborhood Assistant be notified as a courtesy by any agent of the plan to have a court reporter in attendance at a meeting. No vote was taken.

Staff Presentations

Community Police Report

Community Police Officers Lee Eisenbise, Beat 18, and Mark Young, Beat 18, reported that theft from automobiles was still an on-going problem. Residents had been alerted and encouraged to contact police. Several arrests had occurred of youth buying alcohol. Businesses selling to underage individuals were also cited. The largest concern is car accidents while driving under the influence (DUI) and officers will be speaking to Bishop Carroll students about the issue in the near future.

Officer Young noted that he had transferred from the south area about two years ago and the major issues with youth were about the same in both the west and south areas of the city. He also noted a particularly high concern for vandalism at Goddard High School. Young said that spring break was coming soon to the area schools and that history of the school break had shown a trend of 33% higher incidence of DUIs and sexual battery. The records showed that this was a larger issue in east and west Wichita.

Young also encouraged drivers to take Central, Maple, and Pawnee (Highway K-42) instead of Kellogg during the rush hours while Kellogg is under construction. He said that officers are so busy with accidents on Kellogg during this time period each day that it would be difficult for them to attend a concern in another area.

Dennis said he had concerns for the risk involved for drivers being hit by other cars merging into traffic from the right turn lanes at the intersection of Ridge & Maple. He said he had several near-accident incidents at this intersection. **Young** said if it happens again to call the West Patrol Station and ask the officer who answers to set up a NOTE (Neighborhood Oriented Traffic Enforcement) so an officer can dedicate some time to the area.

Eisenbise added that Central & Ridge intersection is becoming a high accident site that may require group action such as the focused effort recently at Zoo Boulevard and I-235.

Jonathan Brooks, guest youth representative, stated that access to alcohol was very easy for students. He asked if Police concentrate on the juveniles or the seller. **Eisenbise** said that Police focused on both.

Brooks also asked what could be done about speeding in a neighborhood? **Young** said this was another situation where a NOTE complaint for a specific area should be started.

David Nelson, 11302 Delano, expressed concerns about the high risk of traffic concerns when students are leaving Northwest High School. He said that he had observed several accidents. Nelson asked about the possibility of a traffic light on Tyler like the one recently installed at Bishop Carroll. **Young** said the stop light at 13th is probably too close to place another one at the intersection of 13th & Tyler Road. He said a plan was being developed to try a right-turn only onto Tyler and 13th to avoid a bottleneck at 2:30-4:30. He reminded everyone that this time period is a high demand time for police.

Some questions were raised about some street construction to provide better control for traffic but Young replied that construction was expensive. **Vice Mayor Martz** reminded everyone that street construction is the responsibility of Public Works.

Action: Receive and file

Housing Department

Mark Stanberry, Housing Department, presented a City Council Resolution of Support for Low-Income Housing Tax Credits application from MRV, Inc. The credits involve Low-Income Housing Tax Credits in connection with the development of the Ridge View Apartments at the southeast corner of 34th Street North and Ridge Road.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers must present proposed LIHTC projects to the applicable District Advisory Board. The Housing Advisory Board (HAB), and the City's Development Coordinating Committee (DCC) require a subsequent review. The Planning Department and the Office of Central Inspection (OCI) will also review the project for design appropriateness. Once the project is reviewed and approved by these city boards, committees, and staff, it is forwarded to the City Council for a public hearing with a recommendation for approval of a resolution of support for the LIHTC application.

Nancy Seitz, Topeka, representing the developer of the housing unit, presented a design board of the project illustrating the architectural style and elements. It was explained that the proposed project would be located on approximately seven acres near the southeast corner of 34th Street North and Ridge Road, within the 45-acre Ridge Port project being developed by Ritchie Associates. The Ridge Port project will contain offices and warehouses, banks and three retail centers. The apartment complex will contain eighty-eight units of one, two and three bedroom apartments. The exteriors will

consist of lap siding and stone. The project will be nearly identical in appearance with MRV's newest apartment development, Andover Crossing.

Seitz said that all units would have washer/dryer connections, central heating and air conditioning, carpet and vinyl flooring, and kitchen appliances. Sixty-Six (66) units will be LIHTC-assisted, and twenty-two (22) units will be offered as market-rate units. In accordance with the City's Tax Credit Policy, at least 20% of the apartment units must be made available to market-rate tenants. The proposed tenant make-up will satisfy this requirement. The cost of construction is estimated to be \$7.6 million. The City will not be participating in the financing of the project.

Stanberry said that the Housing Department is requesting that the District V Advisory Board recommend approval of the request for a Resolution of Support for the developer's application for Low-Income Housing Tax Credits. In addition, it is recommended that further review of the project be approved in accordance with the City's Low-Income Housing Tax Credit policy.

Vice Mayor Martz asked how many jobs the project would create to which **Seitz** said two full-time positions in addition to the jobs of building the project. **Dennis** asked about the tax credit to which **Seitz** explained that investors use the tax credit for high equity, low interest loans. No financial implication exists for the City as no property tax breaks are given. **Almes** asked if the strip mall would be beside the housing unit to which **Seitz** said yes. **Sorenson** asked if any feedback had been received from the Ridgeport area to which **Seitz** said, "no, probably due to existing zoning."

Sorenson asked if the project would increase traffic to which **Seitz** said the density would become less. **Hoggatt** asked if a fence would exist to protect the children from the lake, saying that she would highly recommend one. **Dennis (Schmidt)** moved to approve the project. Motion passed 7-0.

Action: The Board recommended approval of request and that Housing proceed with further review of the project (7-0).

Ediger left the meeting.

Board Agenda

Updates, Issues, and Reports

Vice Mayor Martz

- **City Budget**

Vice Mayor Martz provided an update on the City's Budget including how the City has worked to address the shortfall. The shortfall is due to a decrease in Demand Transfers through action taken by the previous Governor Graves. The City joined other municipalities in a lawsuit against the state to demonstrate the opposition to the decision. Governor Sebelius upheld the decision.

Vice Mayor Martz stated that in 2002, the City had \$21.2 million in the City's Reserve Fund. He explained that the Reserve Fund must be maintained at a level of 10% of the City's operating budget (\$16-17 million). In addition, the level of Reserve Funding provides the City a good standing for bond ratings, allowing a lower interest rate. If the City does nothing regarding the budget, by the end of 2003, the Reserve Fund will be approximately \$13 million while at the end of 2004 it will be \$5.8 million. The only choices available to maintain the City's Reserve Fund are either to raise taxes or decrease expenditures.

Vice Mayor Martz then referred the Board to the “pink sheets” as the City Manager’s recommended budget cuts. Even with the recommendations, the City is still \$1.0 million short and that funding may be needed from the Reserve Fund.

Brooks asked how the Reserve Fund was accumulated to which **Vice Mayor Martz** said it came from various sources. He also asked if the Board better understood why it was difficult to refund any of the reserve, even if it appears to be a large amount of money now.

Dennis asked what impact would result from the increases in the property tax appraisals. **Vice Mayor Martz** said the City had not received any estimates from the County for the increase.

- **Update on Cowskin Creek Basin Master Drainage Plan**

Vice Mayor Martz reported that the Corps of Engineers had not yet provided approval for the entire plan, mainly the channelization portion. Once the approval is received, Public Works will organize another community meeting.

- **Appointments**

Vice Mayor Martz asked for two volunteers for appointments to a Park Naming Committee and a Fireworks Ordinance Task Force. Schmidt agreed to serve on the Park Naming Committee and several DAB members suggested that Ediger be asked to represent DAB V on the Fireworks Task Force.

DAB Members

- **Update on Westport east of Maize Road**

Almes reported on the status of the Westport (east of Maize) traffic study. He provided a summary of the steps taken since the DAB had first heard the concerns:

1. Complaints expressed by residents in February 2001 regarding volume & speed on Westport between Valleyview and Maize Road.
2. Traffic counts and speed data collected and reported by Public Works and Police, respectively.
3. An all-resident meeting was held in June 2001 at Northwest High School where all concerns and ideas were heard and recorded.
4. Traffic Committee formed with representatives from all areas of the residential section from 13th to 21st and Tyler Road to Maize Road, DAB representatives, and, staff.
5. Traffic Committee met in October 2001 and recommended two strategies: (1) placement of temporary traffic circles on Westport between Valleyview & Maize Road, and (2) application by the City to KDOT for assistance in constructing left-turn lanes on Maize Road at the Westport intersection.
6. Traffic circles installed in January 2002. Additional traffic counts taken during school year and during summer vacation.
7. City received confirmation of support from KDOT for left-turn lane construction on Maize Road at Westport.
8. Staff met with DAB committee representatives to review counts and suggestions from all-resident meeting, and to identify options for addressing traffic concerns. The following four (4) options were identified:
 - Install sidewalks on each side of Westport for safety (\$13,000 estimated cost)
 - Construct permanent traffic circles

- Research new information on speed bumps or tables and explore possible change in City policy for installing speed tables. If successful, propose construction of two (2) speed tables on Westport between Valleyview and Maize Road.
- Do nothing

Almes reported that a meeting would be held with the Traffic Committee during March to review all information and options. A report will be provided to DAB V at the April meeting for recommendations.

- **Other concerns/issues/updates**

Johnson asked about the status of the traffic light at Central and 119th and the progress of regulation for funeral escort driving practices. **Vice Mayor Martz** said the traffic light was still a priority but the budget cuts would need to be finalized first. **Staff** reported that a staff committee with representatives of the City Manager's Office, Law, and Police had met to re-examine work of a previous committee. The previous committee included funeral directors as stakeholders. Additional options were suggested and the City plans to meet with County staff to further explore possibilities for better regulation.

Action: No action necessary.

The next meeting for District Advisory Board V is scheduled on April 7, 2003 at Auburn Hills Clubhouse at 7:00 p.m.

With no other business, the meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Dana Brown, Neighborhood Assistant
City Council District V

Guest List:

Tom Docking	200 W. Douglas
Kim Klemme	No address given
Ray Flickner	2701 North Shore
Nancy Seitz	2231 Wanamaker, Topeka KS
Steve Winslow	1910 N. Wood
Jerry Decker	509 Sand Trap
Shelly Moore	2764 N. North Shore Ct.
Janice Cusick	6303 W. 29th N.
Clete Dold	218 S. Breezy Point Circle
Janet Gouilly	2768 N. North Shore Ct.
Greg Bowman	2987 N. Hoover
Jelene Grady	2744 N. North Shore Ct.
Tom Hornshell	2756 N. North Shore Ct.
Marsha Varbel	2609 N. North Shore Ct.
Bill Moore	2764 N. North Shore Ct.
Mark Rehwinkel	2919 N. Hoover
Larry Bedford	2606 N. North Shore Ct.
Carolyn Bedford	2606 N. North Shore Ct.
David Nelson	11302 Delano